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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/659,866

09/10/2003

Sarah E. Zeller

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EXAMINER

CULLER, JILL E

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	Application No. 10/659,866	Applicant(s) ZELLER ET AL.	
	Examiner Jill E. Culler	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-8,10,13-18,20-24,26-28,30,31,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-8,10,13-18,20-22,26-28,30,31 and 33 is/are allowed.
- 6) ☒ Claim(s) 23,24 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 34 is objected to because of the following informalities: On line 10, the phrases 'said controller' and 'said third means' have no antecedent basis in the claim language. Based on applicant's remarks that claim 34 was a recitation of claim 8 in independent form, it appears that the content of claim 3 was omitted from the claim when it was written. For the purposes of continuing prosecution, the claim has been examined as if this was the case, but the claim must be rewritten to include the missing subject matter.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,398,712 to George.

With respect to claim 23, George teaches a system for organizing printer output comprising a curved track, 57, having a first end spaced from a second end, compartments, B1-B5, adapted to accommodate printer output media, wherein the compartments extend along the track; a motor in communication with said compartments; and a controller in communication with said motor, said controller

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generating control signals to said motor to selectively position said compartments about the curved track, 57, to direct said printer output media into a desired one of said compartments. See column 3, lines 34-65 and column 5, line 63 - column 6, line 21.

With respect to claim 24, George teaches a printer capable of organizing printer output comprising a curved , 57, having a first end spaced from a second end, first means, 11, for generating an image on printer output media, compartments, B1-B5, adapted to accommodate said printer output media, said compartments attached to the curved track; a motor in communication with said compartments; and a controller in communication with said motor, said controller generating control signals to said motor to selectively position said compartments about the curved track, 57, to direct said printer output media into a desired one of said compartments. See column 3, lines 34-65 and column 5, line 63 - column 6, line 21.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over George in view of U.S. Patent No. 5,898,592 to Salgado et al. and U.S. Patent No. 5,551,680 to Ohmichi et al.

George teaches a printer collator comprising first means, B1-B5, for selectively separating printer output, see column 3, lines 34-38, the first means including a first output tray, B1, and a second output tray, B2, and second means, 57, 62, coupled to the first means for angling and/or rotating the first output tray while the second output tray remains stationary and based on the printer output, see column 3, lines 38-51 and Figure 4, wherein the second means includes a curved surface, 57, in communication with the first output tray, said curved surface and positions of said first output tray on said curved surface controllable via a motor which is responsive to said control signals, see column 5, line 63 - column 6, line 21, wherein the first output tray, 35, is positioned approximately perpendicular to said curved track and is rotatable about an axis of said track. See column 2, line 57 - column 3, line 11 and Figures 1 and 4 in particular.

George does not teach that said second means includes an output media level sensor in communication with said controller, said third means generating a control signal to said motor effective to position a different output tray in an output path when said output media level sensor indicates that an output tray currently being filled is full, or that the curved track is shaped to enable said output trays to be sufficiently rotated to expose one or more access doors, to expose other printer features, or to selectively disable said collator.

Salgado et al. teaches an output media level sensor, in communication with said controller, said third means generating a control signal to said motor effective to position a different output tray in an output path when said output media level sensor indicates

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that an output tray currently being filled is full. See column 9, line 60 - column 10, line 3 and column 12, lines 1-39.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the output media level sensor of Salgado et al. with the collator of George in order to be able to continue sorting media without operator intervention when a particular tray is filled.

Ohmichi et al. teaches a collator track which is shaped to enable output trays to be moved to enable access to other printer features.

It would have been obvious to one having ordinary skill in the art at the time of the invention to design the track of George to have spacing capabilities, as taught by Ohmichi et al., in order to allow the operator access to the printer for purposes such as removing a paper jam.

### ***Allowable Subject Matter***

6. Claims 1, 3-8, 10, 13-18, 20-22, 26-28, 30-31 and 33 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claim 1, as argued by applicant, the prior art does not show or render obvious a collater as claimed, particularly including means for selectively engaging or disengaging trays to selectively move trays into desired positions.

With respect to claim 26, the prior art does not show or render obvious a collater as claimed, particularly including first and second actuators wherein the second actuator is configured to operably move a first divider between a first position in which it is

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operably engaged by the first actuator and a second position in which it is operably disengaged from the first actuator.

With respect to claim 31, the prior art does not show or render obvious a printer a claimed, particularly including first and second media dividers and an actuator configured such that the first and second divider extend parallel to the surface in a first position and the first and second divider extend perpendicular to the surface in a second position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

7. Applicant's arguments filed January 10, 2005 have been fully considered but they are not fully persuasive.

In response to applicant's arguments with respect to claims 23 and 24 that George fails to disclose or suggest a system having a curved track and a controller which generates control signals causing a motor to selectively position compartments about the curved track because the motor of George is not in communication with any of the bin plates, there is no requirement in the claim language for the motor to be in direct communication with the compartments. By moving the quadrant plate, 57, George is

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indirectly moving the bin plates, 1-5, with respect to the curved track which meets the broadly interpreted requirements of the claim language.

In response to applicant's argument that Ohmichi does not teach that it rotates trays about an axis of a track, Ohmichi is only relied upon for the teaching of moving trays out of the way to enable access to other printer features. One having ordinary skill in the art would recognize the advantages of this capability and be able to adapt the track design of George to accommodate this teaching.

### ***Conclusion***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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